

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JOSEPHINE S. LOWE, TRUSTEE, SP 2014-SP-044 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit addition 14.3 ft from rear lot line and reduction of minimum yard requirements based on error in building location to permit accessory storage structure to remain 2.0 ft. from side lot line and 1.6 ft from rear lot line. Located at 13143 Penndale Ln., Fairfax, 22033, on approx. 10,640 sq. ft. of land zoned R-3 (Cluster) and WS. Springfield District. Tax Map 45-1 ((3)) (61) 5. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 9, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. With respect to the sunroom, staff recommends approval, and the Board adopts the rationale in the staff report.
3. The Board has had applications like this on lots like this in Greenbriar. Many of these homes are on relatively small lots with relatively shallow backyards.
4. This is a very modest addition. It is about 12 by 13 feet.
5. It is in the center of the lot.
6. The lot is fenced already.
7. The addition of the sunroom on top of where the patio was already is not going to have a significant negative impact on anybody.
8. If you were going to add to this house, that is probably the only place you could do it.
9. Relief is certainly warranted.
10. It is a very small addition with respect to the rest of the house.
11. With respect to the shed, it has been there for a long time.
12. If you had to have a storage shed on a lot like this, that is about the place that you would put it.
13. There are other homes in the area with similar sheds, including the house next door, with a shed in almost exactly the same spot.
14. We have had many cases with these homes that were all built by Levitt many years ago.
15. They do not have basements.
16. They do not have storage for the most part, and somebody has got to have a place to put things.

17. On a lot like this, it is certainly reasonable to have a shed in the corner of the backyard.
18. With the fence, it will not have any significant negative impact on anybody.
19. There is electrical service, and the condition will take care of getting the electricity inspected.
20. The applicant did not put the shed there without the permit.
21. It has been there for a long time without complaint.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. The error exceeds ten (10) percent of the measurement involved, or
- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition with respect to both other property and public streets, and
- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
- H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved only for the accessory storage structure (shed) and the proposed sunroom addition as shown on the plat prepared by Harold A. Logan Associates, P.C., dated February 20, 2014, submitted with this application, and is not transferable to other land.
2. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion, regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Accordingly, the 2,300-square foot existing dwelling shall not be increased by more than 3,450 square feet, for a total of 5,750 square feet. Subsequent additions that meet minimum yard requirements may be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural drawings as shown on Attachment 1 to these conditions. The exterior materials shall be compatible with the existing dwelling.
5. All applicable permits for the shed shall be obtained within ninety (90) days of this special permit approval.

This approval, contingent on the above noted conditions, shall not relieve the application from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction of the addition has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 6-0. Mr. Beard was absent from the meeting.

A Copy Teste:



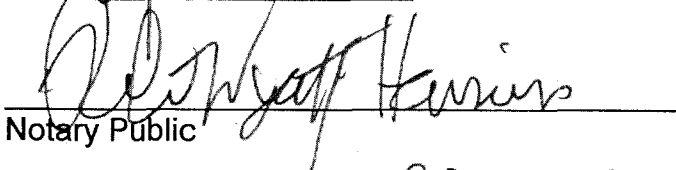
Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 14 day of

July, 2014.

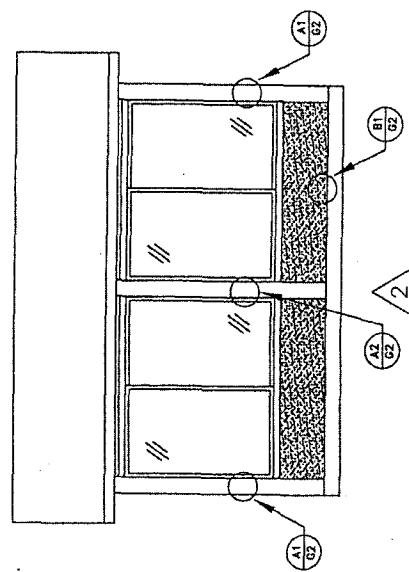
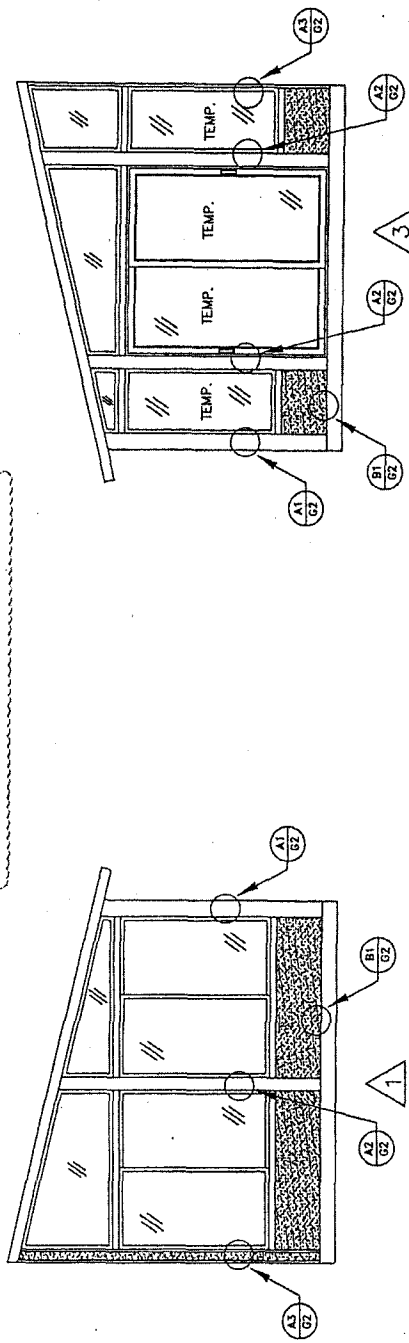
  
Notary Public

My commission expires: 9-30-2017



# ELEVATIONS

THIS DIMENSION (B3") IS THE MINIMUM MULLION HEIGHT AT BEARING WALL USED IN THE LATERAL LOAD CALCULATIONS



- MINIMUM DESIGN LOADS:  
 DEAD LOADS:  
 1) ROOF: 6 PSF  
 2) WALLS: 5 PSF  
 LIVE LOADS:  
 1) ROOF: 30 PSF  
 2) WALLS: 90 MPH - 3 SEC. WIND GUST  
 DEFLECTION LIMITS:  
 1) ROOF: L/180  
 2) WALLS: L/175

TOTAL WEIGHT OF PRODUCTS: 1689 lbs.

THESE DRAWINGS ARE VALID ONLY WITH ORIGINAL WALZ ENGINEERING STAFF ENGINEER SIGNATURE & SEAL. ANY CHANGES WILL BE MADE BY THE WALZ ENGINEERING STAFF ENGINEER OR A THIRD PARTY ENGINEER SEAL OR SIGNATURE IS ACCEPTABLE AND MAKES THESE DRAWINGS VOID.

SHEET 2 OF 4

ATTACHMENT 1

FILE # CWC-AN-LOWE  
 DATE: 05/16/13  
 DEALER: CHAMPION OF GAITHERSBURG  
 LOWE  
 13143 PENNDALE  
 FAIRFAX, VA 22033  
 P

WALZ ENGINEERING LLC  
 48649 VAN DYKE AVE  
 ZEYU UZMAN P.E.  
 COMMONWEALTH OF VIRGINIA  
 LIC. NO. 033140  
 PRINTED, SIGNED AND SEALED ON: 5/21/13